

MINUTES
PLANNING COMMITTEE

August 20, 2014

A meeting of the Planning Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Tim Bynum, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, August 20, 2014, at 10:29 a.m., after which the following members answered the call of the roll:

Honorable Mason K. Chock, Sr.
Honorable Ross Kagawa
Honorable Tim Bynum
Honorable JoAnn A. Yukimura
Honorable Gary L. Hooser, Ex-Officio Member
Honorable Jay Furfaro, Ex-Officio Member

Excused: Honorable Mel Rapozo

There being no objections, the Committee recessed at 9:57 a.m., to convene in the Environmental Services / Public Safety / Community Assistance Committee.

The meeting was called back to order at 11:20 a.m., and proceeded on its agenda item, as follows:

Minutes of the August 6, 2014 Planning Committee Meeting.

Upon motion duly made by Councilmember Chock, seconded by Councilmember Kagawa, and carried by a vote of 4:0:1 (*Councilmember Rapozo was excused*), the Minutes of the August 6, 2014 Planning Committee Meeting was approved.

PL 2014-02 Communication (07/23/2014) from Councilmember Rapozo, requesting the presence of the Director of Planning to provide a briefing on the Planning Department's efforts to enforce the Transient Vacation Rental ("TVR") ordinance and deal with the various enforcement issues raised by the public and Council.
(This item was Deferred.)

Chair Bynum: This request is from Councilmember Rapozo who unfortunately is not present today due to personal matters. At his request we are going to consider a deferral for two (2) weeks but prior to that let us see if anyone in the public would like to offer testimony.

Mr. Kagawa: Process question.

Chair Bynum: Yes, Councilmember Kagawa.

Mr. Kagawa: Just a process question. Are we planning to just hold off for two (2) weeks or are we planning to get a brief update from Planning? I was just wondering if...

Chair Bynum: No, I think staff communicated with Councilmember Rapozo this morning and I know he wants to be present for this item.

Mr. Kagawa: Alright. Thank you.

Chair Bynum: I hope I communicated that correctly. I did not see anyone...

Lori L. Marugame, Council Services Assistant: I have two (2) registered speakers.

Chair Bynum: Two (2) registered speakers?

Ms. Marugame: I have Glenn Mickens followed by Joe Rosa.

There being no objections, the rules were suspended to take public testimony.

Chair Bynum: Thank you. Good morning, Glenn.

GLENN MICKENS: Good morning, Tim. Again, for the record, Glenn Mickens. Thank you, Tim. Thank you, BC. I just have a short testimony. I am sorry that Mel cannot be here but as you said, Tim, two (2) weeks it will come back again?

Chair Bynum: A standard deferral comes back in two (2) weeks.

Mr. Mickens: Okay, this will not change but this transient vacation rental problem has been ongoing since former Councilmember Kaipō Asing illuminated these chamber walls with maps and figures showing the proliferation of them. Many of you were present and can remember this. Since that time only more proliferation has taken place. About six (6) months ago our Planning Director sat here trying to address this problem but due to his vague answers and non-answers Chair Furfaro strongly told him to be here monthly with an update on these violations but it never happened. Even worst a group of community watchdogs had to be the ones to uncover some of these illegal TVRs. Joan Conrow was mentioned several times as the key investigating person so where were the people we hired to do this job? And if we

had a County manager system in place there is no way that these illegal activities would have been allowed to continue and escalate for so long. You, Councilmembers, along with the Mayor, who would be one (1) of you on this body would give this problem along with a laundry list of other problems that have existed for way too long to the manager who had the experience and expertise to address them. He would have appointed department heads who had the qualifications to be there and as a team they would never allow problems like this to drag on, some for two (2) decades like the Kilauea Gym debacle. Councilmembers, this TVR problem is only one (1) example of why our stagnated system is not working and why we need the change to a manager type of government. Please tell us why you neglect the people of our beloved island and fail to give them the government they should have. Thank you, Tim.

Chair Bynum: Thank you. Any questions for Mr. Mickens? If not, Mr. Rosa, did you want to give testimony?

JOE ROSA: Good morning members of the Council. For the record Joe Rosa. Again I am going to emphasize a lot of these things have been sitting on the table here, time in and time out again and again. You know you have a department, maybe you have too many higher-ups, white-collar workers, and professionals. But a lot of the times the footwork is done by supposed to be inspectors that go out into the field and look over all of these vacation rentals and decide whether they are in violation or rules and regulations that are set for vacation rentals. When are they going out into the fields? You can bring down the white-collar to do semi-white-collar work but you cannot put semi-white-collar workers to do professional work. That is where you have to pay overtime and things etcetera. Where is management in the department? Are they doing their job? I think not because this thing has been going on for ages. Like Mr. Mickens said from the administration of Kaipo Asing, when he was Council Chair. Why is it so long? Do you have workers that are not able to do their job or do not do their work? Come on, when they apply for the job they had qualifications they had to go by and that is civil service rules and regulations. How else can they fulfill those positions if they are not qualified? I worked as an inspector and I had to travel the whole island sometimes from one end to the other. It was even a question about mileage that I put in but it was justifiable because there were job descriptions that I had to fill out on my mileage sheets. Where are the department heads? What are they doing? Are they going out on the field and checking all of those places that are in question? That is management. Somebody is lacking in doing their work but they are getting nice big fat paychecks and still looking for raises. I did not go to business school but those are the things that I can see that are lacking in the department and like what the auditor's report says a lot of things are going in that has not been taken care or done properly so we have all of this things coming in against the County, liability suits, etcetera. All in all let us get that department, white-collar people out into the fields, do their service, look into the violations that charge them what is due as far as violation infractions. I leave you with all of that thought. I thank you.

Chair Bynum: Okay. Thank you and is there anyone else who would like to testify on this matter?

The meeting was called back to order, and proceeded as follows:

Chair Bynum: Chair will entertain a motion to defer.

Upon motion duly made by Councilmember Chock, seconded by Councilmember Yukimura, and carried by a vote of 4:0:1 (*Councilmember Rapozo was excused*), PL 2014-02, was deferred.

There being no further business, the meeting was adjourned at 11:28 a.m.

Respectfully submitted,



Lori L. Marugame
Council Services Assistant I

APPROVED at the Committee Meeting held on September 3, 2014:



TIM BYNUM
CHAIR, PLANNING COMMITTEE